

In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 154

RONALD JAMES, *et al.*,
Appellants,
vs.

ANITA VALTIERRA, *et al.*

No. 226

VIRGINIA C. SHAFFER,
Appellant,
vs.

ANITA VALTIERRA, *et al.*

On Appeal from the United States District Court
for the Northern District of California

Opposition of Appellants to Motion of American Jewish Congress, *et al.*, for Leave to File Brief *Amici Curiae*

Pursuant to Rule 42(3) of the Court's Rules, Ronald James, *et al.*, appellants in No. 154, and Virginia C. Shaffer, appellant in No. 226, object to the motion of American Jewish Congress, *et al.*, for leave to file a brief *amici curiae* herein.

On Monday, October 26, 1970, the briefs of appellees were due. On that day we received two motions for leave to file briefs *amici curiae*, those of National Urban Coalition, *et al.* and NAACP

Legal Defense and Educational Fund, Inc., *et al.* Promptly on Wednesday, October 28th, our printed opposition to those motions was served and mailed to the Clerk for filing.

On October 29th, three days after lapse of the time for the filing of appellees' briefs, we received from American Jewish Congress, *et al.* (a) a letter dated October 27th, with a xerox of a type-written *amicus* brief on behalf of American Jewish Congress, American Jewish Committee, and American Civil Liberties Union and motion for leave to file, and (b) a printed brief and motion dated October, 1970.

We object to this latest motion for the same reasons as we objected to the motions of National Urban Coalition, *et al.* and NAACP, *etc., et al.* and for additional reasons, adopt our Opposition dated October 28, 1970, and add the following:

1. The letter requesting our consent to the filing of an *amicus* brief was on behalf of American Jewish Committee and American Jewish Congress. No consent was ever sought for American Civil Liberties Union. Adding it to the brief is not in accord with Rule 42(3).

2. The letter requesting consent did not state the interest of the persons seeking consent or the position they proposed to take in this Court.

3. The request was dated August 7, 1970, and refused by us on August 17, 1970—about 2½ months ago. Yet the applicants did not present their brief to this Court until some days after the briefs of appellees were due and filed. This is not in accord with the provision of Rule 42(2) that "A brief of an *amicus curiae* . . . may be filed *only* . . . within the time allowed for the filing of the brief of the party supported" (emphasis added).

We respectfully submit that the motion of American Jewish Congress, *et al.* should be denied.

Respectfully submitted,

DONALD C. ATKINSON,

*Attorney for Appellants Ronald
James, et al.*

MOSES LASKY

*Attorney for Appellant
Virginia C. Shaffer*

Of Counsel:

MALCOLM T. DUNGAN

October 29, 1970

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